

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, SEPTEMBER 24, 2018**

The meeting was called to order at 7:00 p.m. in City Hall Council Chambers by Mayor Mike Kuhle with the following Council Members present: Larry Janssen, Alan Oberloh, Chad Cummings, Amy Ernst, Mike Harmon.

Staff present: Steve Robinson, City Administrator; Dwayne Haffield, Director of Engineering; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Janice Oberloh, City Clerk.

Others present: Chris Kielblock; Ryan Weber; Ed Zapeda; Kathleen Donovan; Karl Evers-Hillstrom, The Globe.

The Pledge of Allegiance was recited.

AGENDA CLOSED / APPROVED

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to close / approve the agenda as presented.

PUBLIC HEARING AND ORDINANCE NO. 1123 - INTERIM ORDINANCES

Pursuant to published notice, this was the time and date set for a public hearing regarding interim ordinances.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to open the hearing.

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, presented information on the proposed ordinance that would amend Chapter IV, Section 4.05 of the Worthington City Charter to include the following language:

An interim ordinance, as defined by Minnesota Statute § 462.355, Subd. 4, need only be read once which shall be at a regular Council meeting after which it shall be published once in the official newspaper. Upon publication, such interim ordinance shall be effective. An interim ordinance is subject to the same voting requirements as set forth below.

The ordinance also makes minor language changes to the requirement of three readings for other ordinances. Mr. Brisson said the City's Charter is more restrictive than Statute regarding interim ordinances, which is used to regulate, restrict, or prohibit any use, development, or subdivision within the city or a portion of the city for a period not to exceed one year from the effective date of the ordinance. The Charter Commission considered the proposed ordinance at their August 16, 2018 meeting, and voted unanimously to recommend forwarding the proposed ordinance to Council

for adoption. The ordinance amendment is enacted if it receives an affirmative vote of all members of the City Council and the Mayor approves, but would not become effective until 90 days after its passage and publication. If within 60 days of passage and publication a petition requesting a referendum on the ordinance is filed with the City Clerk asking for a referendum on the proposed ordinance, the ordinance would not be effective until approved by the voters.

Mayor Kuhle asked if there was anyone who wished to present testimony for or against the proposed ordinance. None was received.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to close the hearing.

The motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried, and approved by the Mayor, to adopt the following ordinance amending Chapter IV, Section 4.05 of the Worthington City Charter:

ORDINANCE NO. 1120

AN ORDINANCE TO AMEND WORTHINGTON CITY CHARTER CHAPTER IV, SECTION 4.05, ENTITLED "ORDINANCES AND RESOLUTIONS"

(Refer to Ordinance File for complete copy of Ordinance)

CONSENT AGENDA APPROVED

The motion was made by Council Member Janssen, seconded by Council Member Harmon and unanimously carried to approve the consent agenda as follows:

- City Council Minutes of Regular Meeting September 10, 2018 and Special Meeting September 19, 2018
- Minutes of Boards and Commissions - Water and Light Commission Minutes of September 17, 2018; Planning Commission / Board of Appeals Minutes of September 4, 2018; Heron Lake Watershed Board Minutes of July 24, 2018; Public Arts Commission Minutes of August 16, 2018
- Municipal Liquor Store Income Statement for the Period January 1, 2018 through August 31, 2018
- Application for Exemption from Lawful Gambling Permit - St. Mary's Catholic Church
- Bills payable and totaling \$2,815,984.51 be ordered paid

SECOND READING PROPOSED ORDINANCE - CHANGE OF ZONE - PARCELS 31-3973-700, 31-3973-000, 31-0685-000 AND 31-0008-000

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance that would rezone certain areas of the City of Worthington from "M-2" - General Industrial to "B-2" - Central Business District. The subject property is legally described as:

That part of the southeast quarter of Section 23, and the northwest quarter of Section 26, all in Township 102 North, Range 40 West, Nobles County Minnesota described as follows:

Beginning at the intersection of the centerline of Lake Street and northwesterly right-of-way line of the Union Pacific Railroad; thence northeasterly along the northwesterly right-of-way line of the Union Pacific Railroad to a southeasterly projection of the centerline of Eighth Street; thence northwesterly along a southeasterly projection of the centerline of Eighth Street to the centerline of Second Avenue; thence southwesterly along the centerline of Second Avenue to the centerline of Lake Street; thence southwesterly, southerly and southeasterly along the centerline of Lake Street to the point of beginning.

The proposed ordinance was brought forward by staff to the Planning Commission, who recommended the rezoning based on the proposed future land use of the four parcels according to the City's Comprehensive Plan.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to give a second reading to the proposed ordinance.

SECOND READING PROPOSED ORDINANCE - CHANGE OF ZONE - PARCELS RR-RAIL-006, 31-3974-000, 31-3974-300, 31-3931-000, 31-3932-000, AND 31-3932-500

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance that would rezone certain property from "M-2" - (General Industrial) to "B-3" - (General Business). The subject property is legally described as:

That part of the southwest quarter of Section 24, the southeast quarter of Section 23, and the northwest quarter of Section 26, all in Township 102 North, Range 40 West, Nobles County Minnesota described as follows:

Beginning at the intersection of the centerline of Eighth Street and the centerline of Second Avenue; thence northeasterly along the centerline of Second Avenue to the centerline of Tenth Street; thence southeasterly along the centerline of Tenth Street to the centerline of First Avenue; thence northeasterly along the centerline of First Avenue to the centerline of Twelfth Street; thence southeasterly along the centerline of Twelfth Street and East Twelfth Street to the centerline of Sherwood Street; thence

southwesterly along the centerline of Sherwood Street to the centerline of South Lake Street; thence northwesterly along the centerline of South Lake Street and Lake Street to the northwesterly right-of-way line of the Union Pacific Railroad; thence northeasterly along the northwesterly right-of-way line of the Union Pacific Railroad to a southeasterly projection of the centerline of Eighth Street; thence northwesterly along a southeasterly projection of the centerline of Eighth Street to the point of beginning.

The proposed ordinance was brought forward by staff to the Planning Commission, who was recommending the change of zone. The proposed change of zone would not affect the railroad operations and would ensure that future land uses of the subject parcels would be compatible with the downtown business district.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to give a second reading to the proposed ordinance.

SECOND READING PROPOSED ORDINANCE - CHANGE OF ZONE - PARCEL 31-3974-500

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance that would rezone certain property from "T-Z" - (Transition Zone) to "B-3" - (General Business). The subject property is legally described as:

That part of Government Lot 4, Section 26, Township 102, Range 40, Nobles County, Minnesota, lying southerly of the southerly right-of-way line of Trunk Highways No. 59 and 60, more particularly described as follows:

Beginning at the center of said Section 26; thence South 86 degrees 35 minutes 44 seconds East along the south line of said Government Lot 4 a distance of 1315.90 feet to the southeast corner of said Government Lot 4; thence North 0 degrees 01 minutes 03 seconds East along the east line of said Government Lot 4 a distance of 1053.41 feet to the south line of said Trunk Highway right-of-way; thence South 89 degrees 17 seconds 23 minutes West along said right-of-way a distance of 33.00 feet; thence North 45 degrees 20 minutes 47 seconds West along said right-of-way line a distance of 140.52 feet; thence South 89 degrees 17 minutes 23 seconds West along said right-of-way line a distance of 35.62 feet; thence southwesterly along said right-of-way line on a tangential curve, concave to the southeast having a radius of 1834.86 feet, a central angle of 38 degrees 40 minutes 00 seconds and an arc length of 1238.27 feet; thence South 50 degrees 37 minutes 23 seconds West along said right-of-way line a distance of 3.06 feet to the intersection point of said right-of-way line with the North-South Quarter line of said Section 26; thence South 0 degrees 08

minutes 33 seconds West along said Quarter line a distance of 654.85 feet to the point of beginning.

Based on a proposal received for development on the subject parcel, the proposed ordinance was brought forward by staff to the Planning Commission, who was recommending approval of the rezoning.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to give a second reading to the proposed ordinance.

FIRST READING PROPOSED ORDINANCE TO ADD BREWERY/BREW PUB LICENSING

Staff presented a proposed ordinance amending Section 111 of the Worthington City Code to add Brewery/Brewpub licensing as follows:

An Ordinance to Amend Title XI of the City Code of Worthington, Nobles County, Minnesota to Include Breweries and Brewpubs in Licensing Requirements

The Liquor Committee considered the proposed ordinance at their September 14, 2018 meeting, and determined that the amendment go forward to City Council for approval.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to give a first reading to the proposed ordinance.

A resolution establishing the fees for Breweries and Brewpubs will be brought forward upon a successful third reading and adoption of the proposed ordinance.

HALLOWEEN STREET CLOSURE AUTHORIZED

In 2017, Council authorized the closure of Smith Avenue and a portion of Clary Street from 5:00 p.m. to 8:00 p.m. on October 31st to ensure the safety of children on Halloween night, based on the large volume of participants there. The closure was successful and without issue or concern.

Worthington Public Safety Department was requesting Council authorization for the same closure this year on October 31, 2018 for Halloween.

The motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to approve the requested street closure of Smith Avenue and a portion of Clary Street from 5:00 p.m. to 8:00 p.m. on October 31, 2018 for Halloween.

BUDGET AMENDMENT AND SOLICITATION OF QUOTES FOR OLSON PARK WASH OUT AUTHORIZED

Staff was requesting Council approval of a budget amendment and authorization to solicit quotes to repair the wash outs at Olson Park that were caused by runoff from the June 20-21, 2018 storm event. Dwayne Haffield, Director of Engineering, noted the proposed repairs include repairing the bike trail pavement and restoring the washouts, placement of rip-rap at the toe of the bank and installation of a permanent turf stabilizing mat on the disturbed banks. Total estimated cost of the repairs is \$105,000. The work is not included in the 2018 budget, however, the washouts have continued to increase in size and are in need of immediate repair. Mr. Haffield said it is proposed to finance the project with the \$78,000 budgeted for the Slater Park/South Shore Rip-Rap in the Lake Improvement budget supplemented by use of up to an additional \$27,000 in undesignated unreserved general funds. A preliminary assessment by FEMA staff determined repairs of certain of the locations may be eligible for reimbursement of approximately one half of the cost.

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to approve the budget amendment as requested and to authorize staff to solicit quotes for repair of the Olson Park wash out.

WORKFORCE HOUSING AGREEMENT RATIFIED

At their August 27, 2018 meeting, Council considered and approved an application for a forgivable loan as part of the City's Workforce Housing program. On Wednesday, September 12, 2018, staff was contacted by the Southwest Housing Partnership advising that the USDA was requiring the applicant's wife to be added to the loan documents before the scheduled closing on Friday, September 14, 2018. The City Attorney advised that because the requested amendments were to correct an error and would improve the City's financial position, the amended documents could be executed by the Mayor and Clerk and subsequently ratified by the City Council at their next regular meeting. Alternatively, a special City Council meeting could be called to approve the amended documents and to authorize the Mayor and Clerk to sign them. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said he contacted Council Members individually and received feedback that ratification was the preferred approach. The loan amount was \$24,700 and under the program was structured as a forgivable loan for five years at an interest rate of 5%, and was to pay costs of public infrastructure for the applicant's lot within Morningview Second Addition.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to ratify the workforce housing agreement as signed by the Mayor and the City Clerk

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Reported on the Joint City/County/College/School Board meeting - the School referendum was discussed, along with the parking on County Road 10/Crailsheim Drive at the College.

Council Member Janssen - Reported on the Heron Lake Watershed Board meeting - they are having lots of problems with ditches, what they can borrow, and being too close to electrical lines.

Council Member Oberloh - Nothing to report.

Council Member Cummings - Nothing to report except the YMCA Board will have their Planning Session on Thursday.

Council Member Ernst - Nothing to report.

Council Member Harmon - Noted he had attended the Joint City/County/College/School Board meeting. Also reported on the Water and Light Commission meeting - the minutes were included in the Council packet. The Lewis and Clark water hookup is still scheduled for November 2nd, weather permitting.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, noted that City Attorney Mark Shepherd, Police Sergeant Brett Wilttrout and he are working on an ATV ordinance for the City and are looking to establish a committee with a couple of Council Members. Council Members Oberloh, Janssen and Ernst volunteered - Mr. Robinson noted we only needed two Members, which would be Oberloh and Janssen as first two to respond.

Sales tax flyers providing information on the upcoming November 6, 2018 referendum were distributed to Council. Mr. Robinson said staff had worked on the flyers, which can only be used to provide information and cannot urge people to vote one way or another on the proposed sales tax. Chamber of Commerce staff will also be lining up meetings for him to attend and provide information on the proposed tax.

Mr. Robinson also noted that this would be Daily Globe Reporter Karl Evers-Hillstrom's last Council meeting for reporting as he will be going to Washington, D.C. Mr. Evers-Hillstrom said he appreciated working with Council and City staff - they were great to work with. Council and staff wished him well.

ADJOURNMENT

The motion was made by Council Member Janssen, seconded by Council Member Oberloh and unanimously carried to adjourn the meeting at 7:35 p.m.

Worthington City Council
Regular Meeting, September 24, 2018
Page 8

Janice Oberloh, MCMC
City Clerk